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$$\left. \begin{array}{l}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array} \right\}$$

Plaintiff,

V.

ORDER

Defendants.

Plaintiff moves the Court to sanction Defendants for (1) withholding discovery documents, (2) impeding the discovery process, and (3) not providing responses to Plaintiff's discovery requests directly from Defendants. Sanctions for misconduct are available under Federal Rule of Civil Procedure 11, but before a motion for sanctions can be filed with the court, the moving party must serve the motion on the opposing party and give that party an opportunity to withdraw or correct the alleged misconduct. The moving party must wait 21 days after serving the motion for sanctions on the moving party before filing the motion with the court. Federal Rule of Civil Procedure 11(c)(2). This so-called safe harbor provision is "enforced strictly." *Holgate v. Baldwin*, 425 F.3d 671, 678 (9th Cir. 2005). *See also Radcliffe v. Rainbow Const. Co.*, 254 F.3d 772, 788–89 (9th Cir.2001). There is no indication that Plaintiff has complied with this requirement.

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1 (9th Cir. 1986) (“pro se litigants in the ordinary civil case should not be treated more favorable than
2 parties with attorneys of record”); *Carter v. Comm’r of Internal Revenue*, 784 F.2d 1006, 1008 (9th
3 Cir. 1986) (pro se litigants expected to abide by the rules of the court in which litigation proceeds).
4 The Court finds that it must therefore require Plaintiff to comply with the safe harbor provision of
5 Rule 11(c) noted above before filing a motion for sanctions. The current motion for sanctions will
6 be denied without prejudice.

7 IT IS THEREFORE ORDERED that Plaintiff’s motion for sanctions (ECF No. 55) is
8 DENIED without prejudice.

9 DATED: May 19, 2017.

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12 C.W. Hoffman, Jr.
13 United States Magistrate Judge
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